

**REMARKS:**

In accordance with the foregoing, the Specification and claims 1-5 and 8-12 have been amended, and new claim 13 has been added. No new matter has been added. Thus, claims 1-13 are pending and under consideration. The rejections are traversed below.

**AMENDMENTS TO THE SPECIFICATION:**

On page 2-4 the Examiner indicated that some sections of the Specification require further clarification.

Accordingly, pertinent sections of the Specification are amended herein to further clarify the present invention. More specifically, paragraphs 12 and 13 on page 3 and paragraph 24 beginning on page 7 are amended herein to clarify that the data file is the same as the document file and the feature point in the data file (or document file) depends on a version of the application program used to create the data file. For example, a feature point may be a reserved word of a macro instruction included in the data file or document file.

**ALLOWABLE SUBJECT MATTER:**

At page 13 of the outstanding Office Action, the Examiner indicated that claims 2 and 3 would be allowed if amended to overcome the outstanding § 112 rejections. Claims 2 and 3 are amended herein to overcome the § 112 rejections.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 112:**

At pages 5 and 6 of the outstanding Office Action, claims 1-3, 5 and 8 were rejected under 35 U.S.C. § 112. Claims 1-3, 5 and 8 are amended herein to comply with the requirements of 35 U.S.C. § 112.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102(b):**

Claims 1-3, 8 and 11-12 are being rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,199,204 (Donohue).

Donohue automates distribution of updates of computer programs by selecting from product updates listed at a web site. However, in Donohue, a version of the computer program is compared with contents of the update list to determine whether an update is necessary (see,

Column 11, lines 26-67). In Donohue, a product identifier of the computer program product is used as a search parameter for use by a search engine to identify network locations (see, columns 18-19). This means that Donohue is limited to distributing software updates based on product information using product identifiers and release numbers of the products by searching through the update list (see, column 8, lines 26-36).

In contrast, a feature point of a data file in the present invention refers to format information of the data file with respect to an application program that created the data file. This, for example, enables the present invention to install a suitable application program that can interpret the format of the data file and present the data file to a user.

As recited in amended independent claim 1, the installation method of the present invention includes, "extracting a feature point in a data file after having analyzed the data file", where the feature point is "indicative of a format used to create the data file", and using the extracted feature point in "selecting a version of the application program suited for the data file". The present invention also includes, "determining whether the selected version of the application program is already installed" and "installing the selected version of the application program upon determining that the version of the application program is not installed".

Independent claims 11 and 12 as amended also recite that the present invention includes, "extracting at least one of a plurality of feature points in a data file" that is "indicative of a format used to create the data file" for selecting a version of an application program. This, for example, enables use of a feature point in a data file for determining a format or version of an application program, thereby allowing determination of whether a version enabled to read the data file needs to be installed.

It is submitted that the independent claims are patentable over Donohue.

For at least the above-mentioned reasons, claims depending from independent claims 1, 11 and 12 are patentably distinguishable over Donohue. The dependent claims are also independently patentable. For example, as recited in claim 8, the installation method of the present invention includes, "eliminating an existing file if insufficient space exists when the application program is executed". The Donohue method does not teach or suggest determining a version of an application program by "extracting the syntax pattern and determining the version of the application program enabled to read the syntax pattern" (claim 3, upon which claim 8 depends) and "eliminating an existing file if insufficient space exists when the application program is executed".

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 4, 5-7, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Donohue and U.S. Patent No. 6,282,712 (Davis).

Davis installs software based on a listing of hardware and software inventory information of computers in a distributed network (see, column 8, lines 12-17). That is, Davis does not determine a format of a data file for executing an installation of a suitable application program upon determining the suitable application program is not installed.

Independent claims 4, 9 and 10 as amended recite that the feature points that are “indicative of corresponding formats used to create the data files” are used for “selecting a version of the application program in which a data file is readable based on at least one of the feature points” (“selecting... the application program which can read the readable data file” in claims 9 and 10).

Applicants respectfully submit that the “at least two data files” recitation in claims 4 and 9 is supported by the Specification at least at paragraphs 12, 13, 15, 22 and FIG. 3 that refers to a list of reserved words, syntax patterns, etc., of document files or data files.

The combination of Davis and Donohue does not teach or suggest that the feature points extracted from the data files indicate “corresponding formats used to create the data files”, as recited in independent claims 4, 9 and 10.

It is submitted that the independent claims 4, 9 and 10 are patentable over the combination of Davis and Donohue.

For at least the above-mentioned reasons, dependent claims 5-7 are also patentably distinguishable over the combination of Davis and Donohue.

Therefore, withdrawal of the rejection is respectfully requested.

**NEW CLAIM:**

New claim 13 is added to recite that the data file is analyzed “to determine format thereof” for “determining a version of an application program used to create the data file”, and “automatically installing the version of the application program or a substantially similar version of another application program able to read the data file upon determining that a suitable application program to read the data file is not installed”.

Davis and Donohue, either alone or in combination, do not teach or suggest, "analyzing a data file to determine format thereof and determining a version of an application program used to create the data file" for "automatically installing the version of the application program or a substantially similar version of another application program able to read the data file upon determining that a suitable application program to read the data file is not installed", as recited in new claim 13.

Therefore, it is respectfully submitted that new claim 13 is patentably distinguishable over Davis and Donohue.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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